



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

October 23, 1995

Mr. Richard Ybarra  
Assistant Attorney General  
General Litigation Division  
Office of the Attorney General  
P.O. Box 12548  
Austin, Texas 78711-2548

OR95-1111

Dear Mr. Ybarra:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 24013.

The El Paso Consumer Protection Division of the Office of the Attorney General received an open records request for copies of complaints filed by consumers against American Commercial Finance Corporation (the "corporation"). You contend that the complaints, which were submitted to this office for review, may be withheld from the public pursuant to the Open Records Act, section 552.103(a) of the Government Code.

To secure the protection of section 552.103(a), a governmental body must demonstrate that requested information "relates" to a pending or reasonably anticipated judicial or quasi-judicial proceeding. Open Records Decision No. 551 (1990) at 4. You indicate that a lawsuit will be filed in connection with these complaints. A review of the submitted documents indicates that the complaints are directly related to the anticipated litigation. However, once information has been obtained by all parties to the litigation, through discovery or otherwise, no section 552.103(a) interest exists with respect to that information. Open Records Decision No. 349 (1982) at 2. The complaint forms clearly state that copies of all complaints are sent to the business being complained about. We assume that copies of all complaints have been sent to the business. We note that you included in the documents sent to this office a written response from the corporation concerning a filed complaint. You may not withhold from disclosure the corporation's written response or the complaints that have been disclosed to the corporation under section 552.103(a).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/rho

Ref.: ID# 24013

Enclosures: Submitted documents

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